

REMARKS

The present amendment is prepared in accordance with the requirements of 37 C.F.R. § 1.121. A complete listing of all the claims in the application is shown above showing the status of each claim.

Applicants appreciate the thoroughness with which the Examiner has examined the above-identified application. Reconsideration is requested in view of the amendments above and the remarks below.

Claims 32-37, 40, 41 and 44 have been canceled in order to place the application in a condition for allowance.

Claims 8-11, 14, 15, 17-24, 26-29, 31, 85-92 and 101-108 are pending, of which, claims 10, 11, 14, 15, 17-19, 22-24, 26-29, 31, 90, 91 106 and 107 are withdrawn.

No new matter has been added.

The Examiner has provisionally rejected claims 8, 9, 21, 85-89, 93-97, 100-105 and 108 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 39, 40 and 48 of copending Application No. 10/640,889, and claims 1-24 and 41-43 of copending Application No. 10/666,878. Applicant respectfully submits that claims 8, 9, 20, 21, 85-89, 92, 101-105 and 108 have been the subject of review in the foregoing application.

To overcome the provisionally nonstatutory obviousness-type double patenting rejection applicant submits herewith a terminal disclaimer under 37 CFR 1.321(a), disclaiming the terminal part of any patent granted on the foregoing patent application, which

would extend beyond the expiration date of the full statutory term of any patent granted on copending Application No. 10/640,889 filed on August 14, 2003, or on any patent granted on copending Application No. 10/666,878 filed on September 19, 2003. It is respectfully submitted that the claimed invention, at the time the present claimed invention was made, was the subject of assignment and assigned to Koslow Technologies Corporation, which was also the assignee of both copending Application Nos. 10/640,889 and 10/666,878, each at their respective times of invention. Applicant submits that since the filing of these applications, the present invention and copending Application Nos. 10/640,889 and 10/666,878 have all been assigned from Koslow Technologies Corporation to assignee KX Industries, LP, as is evidenced by the assignment document attached to the Terminal Disclaimer, which are both attached hereto.

In view of the foregoing, applicant submits that claims 8, 9, 20, 21, 85-89, 92, 101-105 and 108 are now in a condition for allowance. It is further submitted that since independent claim 8 is in a condition for allowance, withdrawn claims 10, 11, 14, 15, 17, 18 and 19, which are dependent upon claim 8 and add further limitations thereto, are also in a condition for allowance. Likewise, since independent claim 21 is in a condition for allowance, withdrawn claims 22, 23, 24, 26, 27, 28, 29 and 31, which are dependent upon claim 21 and add further limitations thereto, are also in a condition for allowance. Applicant submits that withdrawn claims 90 and 91, dependent upon independent claim 85, and withdrawn claims 106 and 107, dependent upon independent claim 101, are also in a condition for allowance.

A fee of \$65.00 is submitted herewith pursuant to 37 C.F.R. § 1.20(d).

It is respectfully submitted that the application has now been brought into a condition where allowance of the case is proper. Reconsideration and issuance of a Notice of

Allowance are respectfully solicited. Should the Examiner not find the claims to be allowable, Applicants' attorney respectfully requests that the Examiner call the undersigned to clarify any issue and/or to place the case in condition for allowance.

Respectfully submitted,



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